IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14343 of 2004

Between:

Smt. J. Sreedevi, D/o Gandhi,
R/o Nallavelli Village, Yacharam Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Ranga Reddy District East Division,
Malakunta Road, Goshamahal, Hyderabad.
2 The Mandal Revenue Officer, Yacharam Mandal,

Ranga Reddy District
at Yacharam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the issuance of the impugned Memo bearing memo No. C/63/04 dated 6-8-2004 by the 2nd respondent as being discriminatory, arbitrary, illegal, violative of the right to defend and violative of the right to life as embodied in Articles 14, 15, 19 and 21 of the Constitution of India and consequently set aside the Impugned Memo dt. 6-8-2004.

Counsel for the Petitioner: MR.S.TULASI DAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner has been appointed as a Fair Price Shop dealer of Nallavelli Village of Yacharam Mandal, Ranga Reddy District vide proceedings dated 03-09-1997. The petitioner states that she has been distributing the commodities without any complaint from any corner, and abruptly, in the month of August 2004, the 2nd respondent-Mandal Revenue Officer, Yacharam Mandal, Ranga Reddy District, has stopped release of stocks to the petitioner and took steps to entrust the dealership to a third party, who is a resident of Maal village. It is also relevant to note that the 2nd respondent issued a memo dated 06-08-2004, stating that since the petitioner got married and not residing in the village, basing on the complaint given by the Sarpanch and the villagers, the fair price shop dealer of Maal village has been granted the additional charge from the month of August 2004. In the circumstances, this writ petition is filed seeking a declaration that the said memo issued by second respondent is arbitrary and illegal.

This court while directing notice to the respondents, on 13-08-2004, granted interim order to release the stocks in favour of the petitioner, if the petitioner is holding a valid authorization and the same is subsisting as on that date.

Today, when the matter is taken up for consideration, learned Government Pleader for Civil Supplies, under instructions states that though it is a fact that the petitioner was appointed as a fair price shop dealer on 03-09-1997, she failed to obtain the necessary authorization and particularly since certain complaints have been received from the card holders with regard to the irregularities committed by

her in distribution of the kerosene, it has been proposed to suspend her authorization, and consequently, the impugned proceedings have been issued placing the dealer of the adjacent shop as in charge of the shop in question.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents and on a perusal of the material on record, I do not find any substance in the submission made by the learned Government Pleader. The fact that the petitioner was appointed as fair price shop dealer as long back in the year 1997 is not in dispute. Even assuming that she has been indulging in certain irregularities in distribution of commodities to card holders, it is for the respondents to take appropriate action, following due process of law. Without adopting such procedure, the respondents are not justified in stopping release of the stocks to the petitioner.

Accordingly, the writ petition is disposed of, with a direction to the respondents to release the essential commodities to the petitioner, as usual, for distribution to the cardholders, leaving it open to the respondents to initiate appropriate proceedings following due process of law. No costs.

_____

30-09-2004

vs

To

1 The Revenue Divisional Officer, Ranga Reddy District East Division,
Malakunta Road, Goshamahal, Hyderabad.
2 The Mandal Revenue Officer, Yacharam Mandal,

Ranga Reddy District
at Yacharam.

3 2CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

4 2CD copies